

1 George F. Ogilvie III (NSBN #3552)  
2 Amanda C. Yen (NSBN #9726)  
3 McDONALD CARANO LLP  
4 2300 W. Sahara Ave, Suite 1200  
5 Las Vegas, NV 89102  
6 Telephone: 702.873.4100  
7 Fax: 702.873.9966  
8 gogilvie@mcdonaldcarano.com  
9 ayen@mcdonaldcarano.com

10 Steven L. Procaccini (*Pro Hac Vice*)  
11 Madelaine P. Hicks (*Pro Hac Vice*)  
12 NISSENBAUM LAW GROUP, LLC  
13 2400 Morris Avenue, Suite 301  
14 Union, NJ 07083  
15 Telephone: 908-686-8000  
16 Fax: 908-686-8550  
17 sp@gdnlaw.com  
18 mh@gdnlaw.com

19 *Attorneys for plaintiff Todd VanDeHey*

20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22 TODD VANDEHEY, an individual,

23 Plaintiff,

24 v.

25 REAL SOCIAL DYNAMICS, INC., a Nevada  
26 corporation; NICHOLAS KHO, an individual;  
27 OWEN COOK, an individual; AMBER KHO, an  
28 individual, John Does 2 through 10, all whose  
true names are unknown; ABC Companies 1  
through 10, all whose true names are unknown.

Defendants.

REAL SOCIAL DYNAMICS, INC., a Nevada  
corporation; NICHOLAS KHO, an individual;  
OWEN COOK, an individual; AMBER KHO, an  
individual,

Counterclaimants,

vs.

TODD VANDEHEY, an individual,

Counter-defendant.

CASE NO: 2:17-cv-02230-JAD-NJK

**LOCAL RULE 26-3 INTERIM STATUS  
REPORT**

1 Plaintiff and defendants, through their respective counsel, submit this interim status report  
2 pursuant to Local Rule 26-3 and the December 22, 2017 Discovery Plan and Scheduling Order  
3 (ECF No. 74).

4 **I. INTRODUCTION**

5 The parties are working diligently to coordinate and schedule depositions prior to the  
6 discovery cutoff deadline, but the parties mutually agree that there may be a need for further  
7 written discovery requests and/or depositions after the initial set of depositions are completed.

8 Accordingly, the parties anticipate they may need to submit a request to the magistrate  
9 judge for a brief sixty-day extension from June 6, 2018 to August 6, 2018 to ensure that all  
10 discovery is completed within the deadline.

11 **II. TIME FOR TRIAL**

12 The parties estimate that five trial days will be required to try this case.

13 **III. TRIAL DATES**

14 The parties can be available to begin trial November 5, November 12, and December 3,  
15 2018.

16 **IV. SUBSTANTIVE MOTIONS**

17 In the opinion of the parties who will try the case, trial may be eliminated by substantive  
18 motions. On October 12, 2017, plaintiff filed a Motion for Summary Judgment for Declaratory  
19 Judgment Pursuant to 28 U.S.C. 2201 and FRCP 57 to determine contract enforceability of the  
20 July 27, 2004 independent contractor agreement between the plaintiff and defendant Real Social  
21 Dynamics. The decision is still pending.

22 Presently, there is JAMS arbitration (reference number 1260004577) between the parties.  
23 Upon the plaintiff's motion, the arbitration was stayed by the Honorable David T. Wall on  
24 February 1, 2018.

25 In addition, there is pending motion to dismiss and compel arbitration that was filed by the  
26 defendants on January 8, 2018. The decision is still pending.

27 ...

28 ...

1       **V. ADDITIONAL MATTERS**

2           The parties certify that they have considered consent to trial by a magistrate judge under  
3       28 U.S.C. §636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-  
4       01), and the use of alternative dispute-resolution processes including mediation, arbitration and  
5       early neutral evaluation.

6           DATED this 9<sup>th</sup> day of April, 2018.

7       NISSENBAUM LAW GROUP, LLC

8       By: /s/Steven L. Procaccini

9       Steven L. Procaccini  
Madelaine P. Hicks  
2400 Morris Avenue, Suite 301  
10      Union, NJ 07083  
Telephone: 908-686-8000  
11      Fax: 908-686-8550  
sp@gdnlaw.com  
12      mh@gdnlaw.com

MAIER GUTIERREZ & ASSOCIATES

By: /s/Steven G. Knauss

Joseph A. Gutierrez, Esq.  
Steven G. Knauss, Esq.  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
13      Attorneys for Defendants Real Social  
Dynamics, Inc., Nicholas Kho, Owen Cook,  
14      and Amber Kho

McDONALD CARANO LLP  
George F. Ogilvie III  
14      Amanda C. Yen  
2300 W. Sahara Ave, Suite 1200  
15      Las Vegas, NV 89102  
Telephone: 702.873.4100  
16      Fax: 702.873.9966  
gogilvie@mcdonaldcarano.com  
17      ayen@mcdonaldcarano.com

18      *Attorneys for Plaintiff Todd VanDeHey*